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August 16, 2017

BY ECF and E-Mail

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: Price v. City of New York, et al., 15-CV-5871 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the New York City Law Department and the attorney assigned to represent the City of New York, Inspector Obe, and Selvena Brooks in the above-captioned matter. I write to respectfully request that the Court stay Officer Staines' and Lt. Corrado's responses to plaintiff's Complaint until such time as the Court issues a briefing schedule for defendants' anticipated motion to dismiss.

As Your Honor may recall, on March 15, 2017, following a pre-motion conference, defendants were granted permission to move to dismiss the case. On June 12, 2017 the undersigned wrote to the Court to seek clarification on the current briefing schedule (Civil Docket Entry No. 74). On that same day, Your Honor adjourned the briefing schedule *sine die* in order for all the newly named defendants to be served. (*Id.* at No. 75). The Court instructed that after all these defendants were served, it would issue a new briefing schedule to avoid duplicative motion practice. (*Id.*). On August 7, 2017 the docket reflected that Officer Staines and Lt. Corrado had been served and that their answers are due on August 18, 2017. (*Id.* at Nos. 84, 86).

This Office has confirmed that we can represent Officer Staines and Lt. Corrado, whose responses to the Amended Complaint are currently due August 18, 2017. In light of the fact that the Court has indicated that it will issue a new briefing schedule once all defendants are served, and all defendants have not yet been served, this Office respectfully requests that Officer Staines' and Lt. Corrado's responses be stayed until the Court issues a new briefing schedule.

Thank you for your time and consideration herein.

Respectfully submitted,
/S
Debra March
Assistant Corporation Counsel

cc: **VIA FIRST CLASS MAIL**
Kelly Price
Plaintiff Pro Se
534 W. 187th Street
Apt. 7
New York, N.Y. 10033

Application GRANTED. The August 18 deadlines for Officer Staines's and Lt. Corrado's responses to the Amended Complaint are adjourned *sine die*. When all of the Defendants have been served in this case, or when the deadlines for service have all lapsed (whichever comes first), the City Defendants' Counsel must advise the Court which of the City Defendants wish to file a motion to dismiss the Amended Complaint, so that the Court may set a briefing schedule for that contemplated motion.

SO ORDERED.



Dated: August 17, 2017
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Kelly Price
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New York, NY
10033